



Department of Development Services  
205 Lawrence Street  
Marietta, Georgia 30060  
Brian Binzer, Director

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## **SPECIAL LAND USE PERMIT APPLICATION ANALYSIS**

**ZONING CASE #:** Z2014--09

**LEGISTAR #:** 20140614

**PROPERTY OWNER:** Ready Mix USA, LLC  
Attn: Ryan Chandley  
160 Bell Parkway  
Woodstock, GA 30188

**PROPERTY ADDRESS:** 1398 Owenby Drive

**PARCEL DESCRIPTION:** Land Lot 08750, District 16, Parcel 0120

**AREA:** 10.166 acs.

**COUNCIL WARD:** 5B

**EXISTING ZONING:** HI (Heavy Industrial)

**REQUEST:** HI (Heavy Industrial)

**FUTURE LAND USE:** IM (Industrial – Manufacturing)

**REASON FOR REQUEST:** The applicant is requesting a Special Land Use Permit (SLUP) in order to add a second concrete plant, and a variance for an accessory structure (silo) with a height of 85', to the property at 1398 Owenby Drive.

**PLANNING COMMISSION HEARING:** Tuesday, July 1, 2014 – 6:00 p.m.

**CITY COUNCIL HEARING:** Wednesday, July 9, 2014 – 7:00 p.m.

## MAP



## City of Marietta Area FLU Map



Future Land Use		District	Land Lot	Parcel	Current FLU	Proposed FLU
LDR	Low Density Residential	16	08750	0120	IM	N/A
MDR	Medium Density Residential					
HDR	High Density Residential					
NAC	Neighborhood Activity					
CAC	Community Activity Center					
RAC	Regional Activity Center					
CBD	Central Business District					
IM	Industrial - Manufacturing					
IW	Industrial - Warehousing					
OSC	Open Space/Conservation					
PR	Parks & Recreation					
CSI	Community Service & Institutional					
TCU	Transportation, Communication & Utilities					
MXD	Mixed Use					

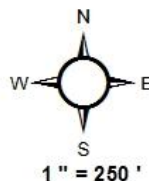
Comments:

1398 Owenby Dr

Date:

6/9/14

Planning & Zoning  
Department





## PICTURES OF PROPERTY



**View from Owenby Drive**



**View from Owenby Drive**



**Rear view from Owenby Drive**

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## STAFF ANALYSIS

### *Location Compatibility*

Ready Mix USA, LCC is requesting a special land use permit (SLUP) for the property located at 1398 Owenby Drive in order to operate a concrete batch plant. The applicant is also asking for a variance to construct a silo that will be 85 feet tall. The property is 10.166 acres in size and is zoned HI (Heavy Industrial). The properties to the northeast are zoned LI (Light Industrial) while all other surrounding properties are also zoned HI.

### *Use Potential and Impacts*

Ready Mix USA, LLC is requesting this SLUP in order to add a second concrete plant, a device that combines various ingredients to form concrete, to their existing facility. Part of this second concrete plant will include the construction of a new silo for the purpose of storing dry Portland powder (cement). The silo will be a steel tube, painted white, and eighty five (85) feet in height. An elevation of a similar plant used by Ready Mix is attached at the back of this document. Also, accessory structures located in the HI zoning district may not exceed twenty (20) feet in height or the maximum height of the principal structure. Therefore, the following variance will be necessary in order to construct the silo:

- Variance to increase the allowable height from 20' to 85' for a new silo. §708.27 (H.)

It is unclear whether concrete plants generate a substantial amount of fumes, dust, or noise. An additional plant for the facility will likely increase the amount of truck traffic originating from the property. Neither the City nor the County has any record of any complaints regarding the operation of the existing concrete plant.

This property is centrally located within an industrially zoned area. A small residential neighborhood in Cobb County is located nearby, off of Sawyer Road. There are also five single family detached residences that are located in the City that are at the corner of West Oak Drive and Canton Road. However, all of these residences are currently surrounded on all sides by industrially zoned property.

The Future Land Use (FLU) of this parcel, as specified in the City's Comprehensive Plan is industrial manufacturing (IM). The FLU serves as a guide for long-term growth and how development should occur over time. The purpose of the IM category is to provide areas that can support industrial uses which may create by-products, i.e. fumes, noise, etc. that are known to negatively impact adjacent uses. As a result, this SLUP request is supported by the City's Comprehensive Plan, although the plan also suggests requiring environmental impact and impact mitigation studies for new industrial development proposals.

### *Environmental Impacts*

There is no indication that any streams, floodplains, wetlands or endangered species exist on the property. Since there will be land disturbance, a site plan will be required. Stormwater runoff for this type of operation is heavily regulated because of the potential for detrimental effect. As a result, the Marietta Public Works Department has the following notable comments:

- The plans provided do not delineate the lagoon which controls concrete sludge from the site, as permitted by GA EPD. There are flumes, and ditches which convey sludge to this lagoon. No sludge material or other wash water is permitted within the road ditch along Owenby Drive as occurred several years ago which resulted in concrete in the City storm sewer system. This would be a Water Quality violation under City Code and State Law.
- Engineering plans will be required to clearly delineate control of concrete sludge runoff to the lagoon.
- New permit(s) are required for the site from GA EPD. Please provide a copy of the permit(s).
- The former owners had serious problems with control of sludge runoff to the road and ditch. Any new operation must completely control this concern.

Aerial photography indicates that this property does not meet the Tree Protection and Landscaping ordinance because it is lacking street trees and parking islands. However, the property does contain a large stand, approximately 200'x500,' of existing trees on the eastern side of the property.

### *Economic Functionality*

This property has operated as a concrete plant since the 1970s and has not been vacant or unused for an extended period of time. This property has a reasonable economic use as it is currently zoned.

### *Infrastructure*

Both City and Cobb County maps show the right-of-way for Canton Drive continuing through the property and meeting up with Owenby Drive. Unless it can be shown that this right-of-way was abandoned, it will need to be shown on the plan and will likely affect the placement of the new concrete plant.



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### *History of Property*

This property was annexed as part of an island annexation in February of 2013 and was subsequently rezoned HI. As a result, there is no history of any variances or special land use permits previously approved for this property.

### *Other Issues*

The following are the criteria for determining a site's eligibility for a Special Land Use Permit, as specified in Section 712.01 (E):

1. Whether or not there will be a significant adverse effect on the neighborhood or area in which the proposed use will be located.
2. Whether or not the use is compatible with the neighborhood.
3. Whether or not the proposed use will constitute a nuisance as defined by state law.
4. Whether or not property values of surrounding property will be adversely affected.
5. Whether or not adequate provisions are made for parking and traffic considerations.
6. Whether or not the site or intensity of the use is appropriate.
7. Whether or not adequate provisions are made regarding hours of operation.
8. The location or proximity of other similar uses (whether conforming or nonconforming).
9. Whether or not adequate controls and limits are placed upon commercial deliveries.
10. Whether or not adequate landscaping plans are incorporated to ensure appropriate transition.
11. Whether or not the public health, safety and welfare of the surrounding neighborhoods will be adversely affected.



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## ANALYSIS & CONCLUSION

Ready Mix USA, LCC is requesting a special land use permit (SLUP) for the property located at 1398 Owenby Drive. The property is 10.166 acres and is zoned heavy industrial (HI). The applicant is requesting this SLUP in order to add a second concrete plant, including the construction of a new silo for the purpose of storing dry Portland powder (cement). The silo will be a steel tube, painted white, and eighty five (85) feet in height and would require the following variance:

- Variance to increase the allowable height from 20' to 85' for a new silo. §708.27 (H.)

It is unclear whether concrete plants generate a substantial amount of fumes, dust, or noise. An additional plant for the facility will likely increase the amount of truck traffic originating from the property. Neither the City nor the County has any record of any complaints regarding the operation of the existing concrete plant. This property is centrally located within an industrially zoned area; however, there are some residential homes nearby, off of Sawyer Road.

The Marietta Public Works Department had many notable comments regarding runoff from the site. It is also unclear as to why the City and County maps show the Canton Drive right-of-way bisecting the property; whereas the applicant's site plan does not. This issue will need to be resolved prior to placement of any new structures.

The proposed special land use permit would not change the current zoning. The Future Land Use (FLU) of this parcel, as specified in the City's Comprehensive Plan is Industrial Manufacturing (IM). The FLU serves as a guide for long-term growth and how development should occur over time and into the future. The purpose of the IM category is to provide areas that can support industrial uses which may create by-products, i.e. fumes, noise, etc. that are known to negatively impact adjacent uses. As a result, this SLUP request is supported by the City's Comprehensive Plan, although the plan also suggests requiring environmental impact and impact mitigation studies for new industrial development proposals.

Prepared by: \_\_\_\_\_

Approved by: \_\_\_\_\_



***CITY OF MARIETTA – WATER***

**NOT APPLICABLE**

Is a water line adjacent to the property?

If not, how far is the closest water line?

Size of the water line?

Capacity of the water line?

Approximate water usage by proposed use?

***CITY OF MARIETTA - SEWER***

**NOT APPLICABLE**

Is a sewer line adjacent to the property?

If not, how far is the closest sewer line?

Size of the sewer line?

Capacity of the sewer line?

Estimated waste generated by proposed development?

A.D.F

Peak

Treatment Plant Name?

Treatment Plant Capacity?

Future Plant Availability?

## DRAINAGE & ENVIRONMENTAL CONCERNS

Does flood plain exist on the property:	NO
What percentage of the property is in the flood plain?	---
What is the drainage basin for the property?	Sope Creek
Is there potential for the presence of wetlands as determined by the U.S. Environmental Protection Agency?	NO
If so, is the use compatible with the possible presence of wetlands?	---
Do stream bank buffers exist on the parcel?	NO
Are there other topographical concerns on the parcel?	NO
Are the storm water issues related to the application?	NO
Potential presence of endangered species in the area?	NO

## TRANSPORTATION -

What is the road effected by the proposed change?	Owenby Drive
What is the classification of the road?	Local
What is the traffic count for the road?	Not Available
Estimated # of cars generated by the proposed development?	---
Estimated # of trips generated by the proposed development?	---
Do sidewalks exist in the area?	NO
Transportation improvements in the area?	NO
If yes, what are they?	---

- It appears that land disturbance is proposed, Site Plans will be required for construction. Site Plans must include, parking, driveways, streets, erosion-sedimentation-and-pollution control plan, stormwater management (preventing concentrated flows from adjacent property, roads, and areas), stormwater quality (bioretention or other), and any other applicable improvements required by City Code and Georgia Stormwater Management Manual. Additional comments will be made at time of site plan submittal. There can be no point discharge onto adjacent property which is not into a stream, defined drainageway, or storm sewer. Discharge will not be allowable at the property line, or into the street R.O.W. If easements are required for drainage through adjacent property, then the owner is to obtain.
- The plans provided do not delineate the lagoon which controls concrete sludge from the site, as permitted by GA EPD. There are flumes, and ditches which convey sludge to this lagoon. No sludge material or other wash water is permitted within the road ditch along Owenby Drive as occurred several years ago which resulted in concrete in the City storm sewer system. This would be a Water Quality violation under City Code and State Law.
- Engineering plans will be required to clearly delineate control of concrete sludge runoff to the lagoon.
- New permit(s) are required for the site from GA EPD. Please provide a copy of the permit(s).
- The former owners had serious problems with control of sludge runoff to the road and ditch. Any new operation must completely control this concern.
- City Tax records delineate Canton Drive has a ROW thru the property – this must be shown, unless it can be proven that it was abandoned.





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***EMERGENCY SERVICES***

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Nearest city or county fire station from the development? Station 56

Distance of the nearest station? Approximately 2 miles

Most likely station for 1<sup>st</sup> response? Station 56

Service burdens at the nearest city fire station (under, at, or above capacity)? None

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***MARIETTA POWER – ELECTRICAL***

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Does Marietta Power serve this site? Yes   X   No           

If not, can this site be served? Yes            No           

What special conditions would be involved in serving this site?

Additional comments:

### *Similar Elevation of proposed plant*

